

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

COBBLESTONE WIRELESS, LLC, <i>Plaintiff,</i> v. T-MOBILE USA, INC. <i>Defendant.</i>	CASE NO. 2:22-cv-00477-JRG-RSP (LEAD CASE)
COBBLESTONE WIRELESS, LLC, <i>Plaintiff,</i> CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS <i>Defendant.</i>	Case No. 2:22-cv-00478-JRG-RSP (Member Case)
COBBLESTONE WIRELESS, LLC, <i>Plaintiff,</i> v. AT&T SERVICES INC.; AT&T MOBILITY LLC; AND AT&T CORP. <i>Defendants.</i>	CASE NO. 2:22-cv-00474-JRG-RSP (Member Case)

**PLAINTIFF COBBLESTONE WIRELESS, LLC'S RESPONSE TO DEFENDANT
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS'S COUNTERCLAIMS**

Plaintiff Cobblestone Wireless, LLC (“Cobblestone” or “Plaintiff”) hereby answers the Counterclaims of Defendant Cellco Partnership d/b/a Verizon Wireless, (“Verizon” or “Defendant”), as follows:

THE PARTIES

1. Admit.
2. Admit.

JURISDICTION AND VENUE

3. Admit that Defendant’s counterclaims arise under the patent laws of the United States and that Defendant seeks certain declaratory relief. Deny that Defendant is entitled to any such relief. Deny any other allegations in this paragraph.

4. Admit that Defendant’s counterclaims arise under the patent laws of the United States and that Defendant seeks certain declaratory relief. Deny that Defendant is entitled to any such relief. Deny any other allegations in this paragraph.

5. Admit.

6. Admit that venue is proper in this district. Deny any other allegations in this paragraph.

7. Admit that there is a case or controversy between the parties concerning alleged infringement of the Patents-in-Suit. Deny any other allegations in this paragraph.

8. Admit that there is a case or controversy between the parties concerning alleged infringement of the Patents-in-Suit. Deny any other allegations in this paragraph.

**FIRST COUNTERCLAIM DECLARATION OF NON-INFRINGEMENT OF U.S.
PATENT NO. 8,891,347**

9. Plaintiff realleges Paragraphs 1-8 as though fully set forth herein.

10. Admit that Plaintiff's allegations in its Complaint speak for themselves. Deny any other allegations in this paragraph.

11. Admit that Defendant denies that it infringes the '347 Patent. Deny any other allegations in this paragraph.

12. Denied.

13. Admit that Defendant denies that it infringes the '347 Patent. Deny any other allegations in this paragraph.

14. Admit that there is a case or controversy between the parties concerning alleged infringement of the '347 Patent. Deny any other allegations in this paragraph.

15. Denied.

16. Denied.

**SECOND COUNTERCLAIM – DECLARATION OF NON-INFRINGEMENT OF
U.S. PATENT NO. 9,094,888**

17. Plaintiff realleges Paragraphs 1-16 as though fully set forth herein.

18. Admit that Plaintiff's allegations in its Complaint speak for themselves. Deny any other allegations in this paragraph.

19. Admit that Defendant denies that it infringes valid claims of the '888 Patent. Deny any other allegations in this paragraph.

20. Denied.

21. Admit that Defendant denies that it infringes valid claims of the '888 Patent.

Deny any other allegations in this paragraph.

22. Admit that there is a case or controversy between the parties concerning alleged infringement of the '888 Patent. Deny any other allegations in this paragraph.

23. Denied.

24. Denied.

THIRD COUNTERCLAIM – DECLARATION OF NON-INFRINGEMENT OF U.S. PATENT NO. 10,368,361

25. Plaintiff realleges Paragraphs 1-24 as though fully set forth herein.

26. Admit that Plaintiff's allegations in its Complaint speak for themselves. Deny any other allegations in this paragraph.

27. Admit that Defendant denies that it infringes valid claims of the '361 Patent. Deny any other allegations in this paragraph.

28. Denied.

29. Admit that Defendant denies that it infringes valid claims of the '361 Patent. Deny any other allegations in this paragraph.

30. Admit that there is a case or controversy between the parties concerning alleged infringement of the '361 Patent. Deny any other allegations in this paragraph.

31. Denied.

32. Denied.

FOURTH COUNTERCLAIM – DECLARATION OF NON-INFRINGEMENT OF U.S. PATENT NO. 8,554,196

33. Plaintiff realleges Paragraphs 1-32 as though fully set forth herein.

34. Admit that Plaintiff's allegations in its Complaint speak for themselves. Deny any other allegations in this paragraph.

35. Admit that Defendant denies that it infringes valid claims of the '196 Patent. Deny any other allegations in this paragraph.

36. Denied.

37. Admit that Defendant denies that it infringes valid claims of the '196 Patent. Deny any other allegations in this paragraph.

38. Admit that there is a case or controversy between the parties concerning alleged infringement of the '888 Patent. Deny any other allegations in this paragraph.

39. Denied.

40. Denied.

**FIFTH COUNTERCLAIM – DECLARATION OF INVALIDITY OF U.S.
PATENT NO. 8,891,347**

41. Plaintiff realleges Paragraphs 1-40 as though fully set forth herein.

42. Admit that Defendant asserts that the claims of the '347 Patent are invalid. Deny any other allegations in this paragraph.

43. Admit that there is a case or controversy between the parties concerning the validity of the '347 Patent. Deny any other allegations in this paragraph.

44. Admit that Defendant requests a finding that the claims of the '347 Patent are invalid. Denied that such relief is appropriate. Deny any other allegations in this paragraph.

**SIXTH COUNTERCLAIM – DECLARATION OF INVALIDITY OF U.S.
PATENT NO. 9,094,888**

45. Plaintiff realleges Paragraphs 1-44 as though fully set forth herein.

46. Admit that Defendant asserts that the claims of the '888 Patent are invalid. Deny any other allegations in this paragraph.

47. Admit that there is a case or controversy between the parties concerning the validity of the '888 Patent. Deny any other allegations in this paragraph.

48. Admit that Defendant requests a finding that the claims of the '888 Patent are invalid. Denied that such relief is appropriate. Deny any other allegations in this paragraph.

**SEVENTH COUNTERCLAIM – DECLARATION OF INVALIDITY OF U.S.
PATENT NO. 10,368,361**

49. Plaintiff realleges Paragraphs 1-48 as though fully set forth herein.

50. Admit that Defendant asserts that the claims of the '361 Patent are invalid. Deny any other allegations in this paragraph.

51. Admit that there is a case or controversy between the parties concerning the validity of the '361 Patent. Deny any other allegations in this paragraph.

52. Admit that Defendant requests a finding that the claims of the '361 Patent are invalid. Denied that such relief is appropriate. Deny any other allegations in this paragraph.

**EIGHTH COUNTERCLAIM – DECLARATION OF INVALIDITY OF U.S.
PATENT NO. 8,554,196**

53. Plaintiff realleges Paragraphs 1-52 as though fully set forth herein.

54. Admit that Defendant asserts that the claims of the '196 Patent are invalid. Deny any other allegations in this paragraph.

55. Denied.

56. Admit that there is a case or controversy between the parties concerning the validity of the '196 Patent. Deny any other allegations in this paragraph.

57. Admit that Defendant requests a finding that the claims of the '196 Patent are invalid. Denied that such relief is appropriate. Deny any other allegations in this paragraph.

PRAYER FOR RELIEF

WHEREFORE, Cobblestone prays for the following relief with respect to Defendant's counterclaims:

- A. A judgment in favor of Plaintiff on all counterclaims asserted by Defendant;
- B. An adjudication that Defendant is not entitled to any relief on its counterclaims, including, without limitation, any fine or damages; and
- C. A dismissal with prejudice of Defendant's counterclaims;

- D. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Defendant;
- E. Plaintiff's costs of suit against Defendant; and
- F. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Cobblestone demands a trial by jury on all issues so triable.

Dated: March 16, 2023

Respectfully submitted,

/s/ Reza Mirzaie _____
Reza Mirzaie
CA State Bar No. 246953
Marc A. Fenster
CA State Bar No. 181067
Neil A. Rubin
CA State Bar No. 250761
Christian W. Conkle
CA State Bar No. 306374
Jonathan Ma
CA State Bar No. 312773
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
Email: rmirzaie@raklaw.com
Email: mfenster@raklaw.com
Email: nrubin@raklaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that on March 16, 2023, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3)(A).

/s/ Reza Mirzaie

Reza Mirzaie